

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MALIBU MEDIA, LLC,

Plaintiff,

v.

**JOHN DOE subscriber assigned IP
address 69.249.28.20,**

Defendant.

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CIVIL ACTION

NO. 13-cv-4560

ORDER

AND NOW, this 9th day of August, 2013, upon consideration of plaintiff's Motion for Leave to Serve a Third Party Subpoena Prior to a Rule 26(f) Conference (Document No. 4, filed August 8, 2013), plaintiff having failed to identify in the motion or any exhibit to the motion the Internet Service Provider on which it seeks to serve a subpoena, **IT IS ORDERED** that plaintiff's Motion for Leave to Serve a Third Party Subpoena Prior to a Rule 26(f) Conference is **DENIED WITHOUT PREJUDICE** to plaintiff's right to file a new motion for leave to serve a third party subpoena that identifies the Internet Service Provider on which it seeks to serve a subpoena.

BY THE COURT:

**s/ Jan E. DuBois
JAN E. DuBOIS, J.**